

4. Public input for Policy & Producers: Ho'ike had a Program Committee and conducted meetings with those who were interested to join in. Eventually, the Program Committee provided input from types of equipment, types of programming and more. It evolved to one or two "public" members providing greater input without understanding neither the full ramifications of the budget process or the strategic plans of the business. A committee was driving the organization and not in a positive direction. The public cannot provide sound judgment with limited information. Active qualified producers are actively producing their programs for airing.

CABLE ADVISORY COMMITTEE: It is highly recommended that legislation be introduced to sunset this committee. Another layer of decision makers would muddy the water effectively.

FINANCIAL RESOURCES: As stated previously, Ho'ike has operated well within its budget. The budget is based on the subscriber base for Kaua'i. We are by far the smallest, but we have made our presence known. Based on the current financial structure, Ho'ike has raised the level of production with increased classes, upgrading of equipment, broadening the producer's eye for programs and integrating knowledge with experience to obtain a finer product. Ho'ike continues to solidify plans for a sound future in cable broadcasting from Kauai.

SUSTAINABILITY: Ho'ike has already begun to address the avenues of profitability and sustainability. Understanding that the competition of DirecTV and other similar Dish productions may diminish the subscriber base, Ho'ike continues to involve the community in programs that the community desires and enjoys. Ho'ike is currently working with the non-profit organization in assisting those organizations to broadcast their programs and use Ho'ike. Ho'ike's effort is setting results and these are programs being aired.

in the heart of Lihue. If Ho'ike has this determination to be a solid organization with sound judgment with well defined goals, Ho'ike will continue to make a name on Kauai and eventually the State of Hawaii.

Although this Center will be in Lihue, Ho'ike has identified the need to reach out to the community. Ho'ike's opportunities will increase and mobility will be addressed to continue the efforts already begun in Hanalei and Waimea. Continued outreach will be at the forefront to allow each community member to be and feel a part of Kaua'i.

repair and interesting programs. This relationship will be encouraged to continue. It would be unfair to prejudge all the PEGS from one vantage point. The learning curve at each PEG dictates the level of efficiency and performance which results in the type of equipment essential to maintain that performance. Programming can be shared that would be of both interest and advantage of the other PEG. A catalog of available programs could enhance the exchange of both interesting and productive programs to captivate a broader viewership.

BY-LAWS: Originally, the By-laws were created in a uniform manner. As Ho'ike advanced, the By-Laws were amended to reflect better guidelines under which to operate. Ho'ike operates within a general set of By-Laws and as in other organizations, where the By-Laws are absent; Roberts Rules of Order is followed. Ho'ike's meetings are conducted under Robert's Rules of Order and guided by the By-Laws. It is this sense of order that allows much of the work to be accomplished and less time abused by individuals who elect to use the "public" time to speak to issues that are neither on the agenda nor being addressed. Ho'ike elects not to have meetings drawn out for four to six, seven hours as it has in the past but rather operate efficiently.

website for anyone interested. The inference that Ho'ike has not been open is erroneous. The issue raised through OIP has been addressed and satisfied and Ho'ike believes the issue is no longer on the table. Additionally, Ho'ike meets the requirements of posting all meetings in sufficient time as well as posting the agendas in government places including the website. Ho'ike's notification system appears to be adequate.

OPERATIONS: Ho'ike makes every effort to maintain its Policies and Procedures for employees. The procedures set for producers and users of Ho'ike studio are also set with allowances made for improvement.

TWE and CSPAN: Ho'ike does not take issue with these items at this time.

COMPLAINTS CONCERNING PEGS: The process DCCA follows regarding facilitation of concerns two n be for, the that could or resolved instances where complaints are not

PRODUCTION VS FACILITATION: Ho'ike is pledged to remain a conduit for community television allowing for opportunities at no cost when possible for everyone. Ho'ike has specifically responded to the County's RFP's request to video and caption services. Having responded to this effort since the inception of the request for this service for the hearing-impaired, there have been NO other like business or organization equipped to respond to the request and Ho'ike was pleased to have been able to fulfill the task. There is no other provider of such technical services other than Ho'ike. It is a fallacy to note that Ho'ike has been myopic in allowing the public to use facilities. Ho'ike facilities must remain available and it will be. Letters of testimony from a few of the users find Ho'ike a lighthouse on Kauai. For the first time in the history of Ho'ike, every piece of equipment as checked out for use over a weekend. This is indeed a landmark occasion.

It is hoped that this viewpoint will be advantageous in your research of a potential state-wide plan. Ho'ike is doing well and is being well received for the work it does.

Rowena B. Cobb
PRESIDENT

Cc: Ho'ike Board of Directors

2003-187



Patti K Kodarna
09/09/2003 10:58AM

To: cabletv@dcca.hawaii.gov
cc:

Subject: Re: Testimony email text from Carol Bain

Carol Bain [REDACTED]

09/02/2003 08:21 AM

To: DCCA Director Mark Recktenwald <mrecktenwald@dcca.hawaii.gov>

cc:
Subject: Testimony email text from Carol Bain

(NOTE: A hard copy with enclosures is in the mail today)
September 2, 2003

Department of Commerce & Consumer Affairs (DCCA)
Mark Recktenwald, Director

Dear Mark,

First, I wish to thank you for holding public meetings to obtain input on the 16 items in the DCCA's draft plan. I trust you were able to obtain actual feedback, versus a series of back-patting comments. Is the public grateful for PEG access? Yes. Can it become a better organization through more public oversight and participation? Certainly.

Perhaps the DCCA simply wants to wash its hands of the task of managing these PEG stations, but I implore you, as director, allow each decision and order to require:

Each PEG organization's bylaws will include HRS-92 open governance and HRS-92F compliance

Each PEG organization will have open membership base (each member gets one vote)

Public members will publicly elect at least 3 board members from an open nomination process

The last item would still allow the DCCA to appoint a majority and the cable companies can still have their own minority as well. At least the public would have a voice on the board.

Is following UIPA a burden? I want you to know I requested to see Hoike's 2000-2 annual report last July. It is now September and Ho'ike says they cannot find any reports. Evidently, a publicly available annual report is too much of a burden for this organization. I think this is shameful, but I personally would have to file a suit to get any accountability. This is not right. (The comments in this letter represent my own observations and opinions.)

As I promised at the August 13, hearing on Kaua'i, **I am** enclosing a table that clearly shows how Hoike: Kaua'i Community Cable **TV** bylaws have been re-written to eliminate major **sections** of HRS-92 between 1999 and 2002. It is testimony submitted to the legislature in March, 2003 when we were futilely **trying** to get PEG sunshine. Since that time, additional changes to their bylaws have **occurred**, further reducing the public's oversight ability.

The potential of these PEG corporations to become predatory non-profits is very real. Before you allow these PEG non-profits to go their independent profit-making way, a state audit would at least make them accountable for the last decade of spending. The DCCA **knows** each cable subscriber is supporting PEG access, yet the public **has** no say in how these **funds are** expended nor is there any public accountability. **This** is wrong, **If** the DCCA is going to let these organizations manage themselves, make them undergo **annual** 3rd party public audit.

I believe you **are** sincerely attempting to reform PEG access. Each decision made should enhance the goal of turning more viewers into speakers. The current PEG boards are **so** afraid of what the people might say, they cannot even operate openly. The fact that **I had** to initiate the playback of **the** public meetings on Ho'ike tells you the **board** does not have **the** public's best interest at heart. Their mission **has** turned away **from** serving the public toward serving their **own** "special" interests. They want to serve status quo non-profit corporate **needs** over the public **needs**. Please do not open the door wider for exploitation by the few in the name of "community building".

Sincerely,

Carol D. Bain, [REDACTED]

Enclosures: March 2003 testimony; 9/2001 letter to the editor published by Garden Island Newspaper

Cc : Jaurene Judy, LWV;
Rowena Cobb, Ho'ike, Kauai Community TV

--

[REDACTED] (Phone /Fax - call first before faxing)
[REDACTED]

"May we never confuse honest dissent with disloyal subversion." quote by Dwight Eisenhower

September 2, 2003

CABLE DIVISION
COMMERCE AND
CONSUMER AFFAIRS

RECEIVED
BUSINESS REGISTRATION

Department of Commerce & Consumer Affairs (DCCA)

Mark Recktenwald, Director

PO Box 541

Honolulu, HI 96809

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DEPARTMENT OF
COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

Dear Mark,

FILE

DIRECTOR'S OFFICE

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Sincerely,

Carol D. Bain

Carol D. Bain, [REDACTED]

Enclosures: March 2003 testimony; 9/2001 letter to the editor published by Garden Island Newspaper

Cc : Jaurene Judy, LWV; Rowena Cobb, Ho'ike, Kauai Community TV

Letters

Hoike continues to shut public out

In a room with no windows, no sun can shine in. Such was the back room, literally, barely large enough to hold its 11-member board and the group of public witnesses to a spectacle that left all ashamed and alarmed.

In a meeting arranged just three days prior, the board of Hoike: Kauai Community Television met Sept. 7 and passed sweeping bylaws that largely eliminated public participation and open governance process as related to Sunshine Law (HRS-92).

No one has a problem with the cosmetic cleaning of typos, but there is no reason for Hoike to alter the open governance bylaws that currently exist. Bylaws affected include:

- The public will no longer be permitted to speak before action items (Sec 7.5 Oral Testimony). The board may exclude the public for "such issues deemed confidential" (7.6 Executive Sessions).
- The public notice of meetings is diminished (Sec. 7.8 Notice of Meetings; a b c). Minutes which were supposed to be (rarely were) available to the public 30 days after a meeting will no longer be available. (Sec 12.8 Inspection of Records). Hoike minutes shall no longer be public records available within 30 days after the meeting (see Sec. 9.6)

No criminal laws were broken, though two uniformed police officers were on site the duration of the board meeting. Police had been called to prior meetings to eject members of the public who were attempting to videotape the board meetings that occurred in Hoike's TV studio, but never arrested anyone as no disturbance was ever in evidence nor did witnesses support facts to justify arrest. Presence of these uniformed police officers served to intimidate the public who wished to testify, against the board's bylaw violations.

The bylaws in effect prior to the changes permitted public testimony prior to action items. The board refused to hear testimony from the public prior to bylaws changes. At a prior meeting, the board went into illegal executive session, against its own bylaws, and refused to hear public testimony as proscribed in its bylaws.

The revised bylaws hamper, not facilitate, community participation in the democratic process of Ho'ike. It will be very difficult for the public to participate with an organization after it has altered its bylaws so severely.

For a review of the bylaws change <http://www.hoike.org/BylawsFinal19-71> still exist in the comparative form. Under Hoike bylaws, it states, "Purpose: To facilitate participation in the democratic process in accordance with Chapter 415B of the Hawaii Statutes and Section 501C of the Internal Revenue Code, a Director shall perform the duties of a Director in good faith, in a manner such Director believes to be in the best interest of the corporation." Surely, it cannot be construed to be in the best interest of the corporation to reduce or eliminate public participation in their own open governance.

The state Department of Commerce and Consumer Affairs that set up Hoike 10 years ago kept the power to appoint and remove the majority of board members. Garden Isle Telecommunications is the remainder. The nomination process is self-selected and self-perpetuating by the current board.

Funds to operate the Public, Educational, and Government access facility are derived from 5 percent of the gross cable revenues, as mandated by the DCCA. If you look on your cable TV bill, you will see you are paying for it. Ho'ike receives hundreds of thousands of dollars annually in public support according to its IRS 990 tax exempt filing, yet a recent Ho'ike filing describes the organization as privately funded.

Hoike has recently changed its operating procedures but not made copies available to the public for review. They can continue to "terminate" people and never clearly state the reasons. Several members of the public have been terminated and are no longer allowed to enter the facility.

However, Ho'ike promises to access TV channels and play tap schedule. (...and the trains will run)

CAROL BAIN
the

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rate the three at times the time.)

My Name is Edward Coll. I support the passage of Senate Bill No. 1229 - that requires non-profit corporations in which the majority of the board members that are appointed by the state to comply with the Sunshine laws (Chapter-92) and the **UIPA** Chapter 92F.

I am a former Ho'i'ke: Kauai Community Television, Inc. board member. I resigned from the board in protest when the Ho'i'ke board began a wholesale cleansing of state Sunshine laws **(HRS92)** from their bylaws. This cleansing occurred in a series of eight (8) bylaw amendments approved by the board on the following dates.

AMENDED 3/31/1999
 AMENDED 10/10/2000
 AMENDED 8/29/2001
 AMENDED 9/7/2001
 AMENDED 10/09/2001
 AMENDED 02/12/2002
 AMENDED 07/29/2002
 AMENDED 08/22/2002

The following table compares the bylaws before and after the cleansing **(bold my emphasis)**:

BYLAWS BEFORE 3/31/99	BYLAWS NOW
Sec. 7.5 – Open Meetings: Every meeting of the board of directors shall be open to the public and all persons shall be permitted to attend any meeting unless such meeting is closed pursuant to section 7.6 (Executive Meetings)	REMOVED:
- The board shall afford all interested persons an opportunity to present brief oral testimony during a period which is reserved for public comment during the course of the meeting.	REMOVED.
Sec. 7.5 -Nothing in this section shall prohibit members of the Board from collectively attending retreats, forwards, or any other types of formal or informal gathering, so long as no decisions or deliberations towards decisions are conducted at these meetings.	REMOVED-
The board shall afford all persons an opportunity to present oral testimony on non-agenda items during a period reserved for public comment prior to the agenda itself. The time for such testimony shall be limited to 3 minutes unless waived by the board president.	REMOVED
The Board shall provide for reasonable administration of oral testimony by suspending the rules to permit an individual 3 minutes of oral testimony after board discussion and before board action is taken.	REMOVED –Section 7.5a now reads: Should oral testimony be helpful when considering any decision, the Board may invite members of the public to provide testimony. The board may suspend the rules to permit 3 minutes of oral testimony before Board action is taken.

by means of a tape recorder or any other means of electronic reproduction except when a meeting is closed... provided that the recording does not actively interfere with the conduct of the meeting.

other type) reproduction of a meeting unless deemed necessary by the Board of Directors. Only the Board shall be permitted to reproduce Board meetings...

Sec. 7.8 Interested persons will be allowed to place their names in a mailing list to receive written notification of regular, special or rescheduled meetings.

REMOVED

Sec. 7.7 – Exempted Matters for Executive session (standard wording of HRS92)

ADDED: reasons to close a meeting now include: **i)-Any issues deemed best to be kept confidential**

disclosure will be inconsistent with sec. 7.7; ...

of
cation,

Hoike was created by the state, the majority of the board was appointed by the state, they are funded with state mandated public monies, yet as indicated above, are attempting and have in fact removed themselves from public accountability and oversight. Please pass SB 1229

Mahalo a nui loa,

Edward Coll
[REDACTED]
[REDACTED]



Patti K. Kodama
09/04/2003 01:07 PM

2003-144

To: cabletv@dcca.hawaii.gov
cc:

Subject: Re: Ho'ike submission on Statewide Plan

"J Robertson" [REDACTED]

09/02/2003 03:02 PM

To: <Mark.E.Recktenwald@dcca.hawaii.gov>

cc:

Subject: Ho'ike submission on Statewide Plan

Director Recktenwald,

Please accept the attached document as Ho'ike's input towards your efforts on the DCCA Statewide Cable Access Plan. Mahalo for the opportunity to participate in the process.

Aloha,

J



- Department of Commerce and Consumer Affairs Plan.doc

Department of Commerce and Consumer Affairs Plan
For Public, Education, and Government Access

Background

Ho'ike: Kauai Community Television was formed and began operations in **1993**. Ho'ike utilizes a nine member Board of Directors and staff of seven to manage the facility. The Board conducts business under the guidance of the by-laws and "Roberts Rules of Order". Meetings are open to the public with opportunities for the community to contribute. Currently there are three cable channels in operation - Public, Education and Government access. A fourth channel will be added in September. The Lihue facility is open Monday through Saturday for a total of **55** hours per week. The facility offers education and training on all equipment along with check out of the same. Recent technical improvements reflect the advanced interest of our active community members.

It is with 10 years of experience in the public access process that Ho'ike responds to this opportunity. We thank the Director for this occasion to examine the function and role of public access and work towards methods of improvement. This effort can only make it possible to provide and deliver a better system.

1. Expanded Role for Counties in Cable Regulation

This is not a favorable option. The County of Kauai is not necessarily in a position to provide the administration and oversight currently provided. Likewise, the financial support from PEG funds would not provide the same level of service. There has been no apparent desire by the County to be involved with the regulatory process. The County does not **serve** in consumer interest regards and is not **an** advocate for such. There may at some time be a conflict between political sensitivities and consumer interest.

2. Governance - PEG Board Appointment Process

The Board of Directors ought to be self-determined as described in option 2.

3. Cable Advisory Committee

The Cable Advisory Committee has outlived its usefulness. The current structure of Board of Directors and on-site management has taken this role and should continue as such. Legislation, should be introduced to eliminate the CAC.

4. Financial Resources

The current structure of the financial resource distribution is adequate. If there were to be any enhancement, it would be beneficial if the remaining portion of the 1% allocated to the DCCA (0.36% of **gross** revenues) be set aside in endowments for each PEG center. All applicable commercial use of public rights of way should contribute to the PEG resources. **Also**, there should be no sharing of revenue between counties (you live where you live.)

5. PEG Channel Resource

The current allocation of five (5) cable channels is sufficient to provide quality service to the community. Ho'ike is now using four channels comprised of Public, Government, and Education. This system includes a mechanism to request an additional channel with there is an identifiable need. Due to the unique nature of each island and the ability to generate educational programming internally it is important to keep the channel program control under the PEG manager and not split into a statewide HNC. Kauai is enjoying special educational programs in speaking the Hawaiian Language, the Kauai Adult Education curriculum and the GED program.

6. Sustainability

Sustainability comes in a truly hybrid form. The PEG centers should be allowed to charge reasonable fees for services in non-commercial production. The centers should also be encouraged to seek additional grant and foundation support and conduct fund raising drives via the cable. There should also be a concerted effort by the DCCA to preserve and seek additional funds. Those benefiting from and providing service through the commercial use of public rights of way should be contributing to public access.

Ultimately each center must realize it must live within its means. There is a limited amount of resources that are available. We can only be a great as our community, therefore, prudent fiscal management is an absolute.

7. Greater Community Participation

Each year more and more people take advantage of the services provided by the PEG Access center. The future expansion of services is determined by budget. With that said our community would greatly benefit from additional sites for equipment checkout and a mobile unit that would provide studio services in distant locations. More often than not non-profit organizations say their staff is too limited to become involved with the video production process. They do take full advantage of the Ho'ike produced "Open Mic" and "Community Camera". Additional production services to these organizations would create a monumental means of communication within the communities they serve.

8. Cooperation and Collaboration among PEG Organizations

Cooperation should continue between the organizations. Expertise and personnel resources should also be cooperative. The sharing of out dated equipment from one center to another can help to provide some of the outreach services that are difficult to generate on the neighbor islands. On Programming we should be mindful that each center is designed to provide a voice for their community. Programs from off-island are welcome but are not the number one priority at Ho'ike. Special or unique production and other examples of excellence should be openly shared between the centers and all viewers.

9. PEG By-laws

First and foremost the PEG organizations are private non-profit 501 (c) 3 corporations. By-laws should conform to Roberts Rules of Order and be approximately the same for all of the PEG centers. Still they must remain flexible enough to accommodate developing opportunities. This is the current approach at all Hawaii PEG's and should remain as is. All meetings are currently open to the public, properly noticed and allow for public comment.

10. Chapter 92f: UIPA open records

The records of each of the Access centers are open to public review. The centers also post most of the information on their websites. It would seem reasonable to continue to observe the requirements of Chapter 92f despite not being a State Agency.

11. Daily Operational procedures

Minimum requirements can be made on main facility operations with reduced schedules at satellite locations. Facilities should be open no less than 50 hours per week **and** no less than six days of the week (excluding holidays). There should be a similarity in program submission forms for inter-island efforts with a common standard of format presentation (credits, black, disclaimers, etc.). Equipment procedures can remain separated in as much as you must be a resident of the island to have access to the equipment. The centers also use different programs for inventory control, which are not compatible.

Political participation should be encouraged. Each center should be allowed to provide the production facilities and support to any bona fide candidate in an election. This should include working with the local election officials in providing election information to the voting public. There is no greater voice for the public to enjoy than the vote.

12. Development of Technical Standards

Any baseline of standards needs to consider the minimum levels of equipment and resources the smallest budget can provide. This is also true for requirements on playback standards. Each center offers different equipment. It would be effective **to** have a standard procedure guideline for response to disasters and emergencies. Each of the centers may want to consider sharing capital purchase plans annually to seek additional savings. One standard that should be of primary importance is the cost of training. Hawaii's access centers charge among both the highest and lowest in the nation. There should be a concerted effort to make the training as affordable as possible. A uniform policy on submissions would be advisable **as** well.

13. Review of connectivity currently provided by TWE

In order to provide the best management of the system the interconnections should continue to run to the PEG center and then to the cable operator head end site.

14. Programming (CSPAN for Hawaii)

This is a larger issue than it appears. At present it does not seem as though there are enough financial resources to provide what the model describes. The channel allocation also does not provide a substantial opportunity. The production and post-production issues are of concern as well. If the PEG center could charge for reasonable expenses it would be possible to provide a greatly expanded program of the civic nature. ~~Or~~, to develop incubator production teams that would eventually provide separate services. However, there must be clear direction as to what the public requires regarding greater viewing access.

15. Resolution of complaints concerning PEG's

The system currently employed by the PEG centers and the DCCA is fair and adequately addresses any concerns that are raised. The center is the first line of complaint resolution allowing for the Board to provide advice **and** overview. Only when those efforts do not satisfy the complainant the DCCA is brought in. The DCCA should have the final determination.

16. Role of PEG's: Production versus Facilitation

The development and growth of both production and facilitation should be encouraged. **Any** sustainable future will depend upon the expansion of services and the broadening of opportunity. The success of that growth is dependent upon the ability to generate revenue to offset the costs of operation.

One issue mentioned is the response to **RFP's** to video and captioning services. Ho'ike's contract with the County of Kauai specifically states that we were the "one and only" bidders. If Ho'ike had not been willing to provide the video production and captioning the community would have been deprived of the access to government meetings. There was no competition with any for profit Video Company.

Likewise, the production provided to the Hawaii Community Foundation, Department of Education, Kauai Chamber of Commerce, and the annual Lights on Rice Street Christmas parade allowed great community participation and communication. These efforts and more can go a long way in developing and building a community.

Production assistance should be provided to non-profit organizations. The current situation on Kauai finds all non-profits at the expense and mercy of for-profit video companies. The non-profits cannot afford the expense and the video companies are not willing to work within the small budgets. Therefore, the message is lost in the cost. Production services from the PEG would develop an expanded area of influence and reach for these vital services.

PEG centers should be directed to do as much as possible to assist their communities in gaining access to the cable channels.

J S Robertson,
Managing Director - Ho'ike Kauai Community Television
September 2, 2003

Sept. 2, 2003

Dear DCCA,

please consider and include as part of the public record these comments posted on Kauai Net regarding the DCCA Draft Statewide Access Plan.

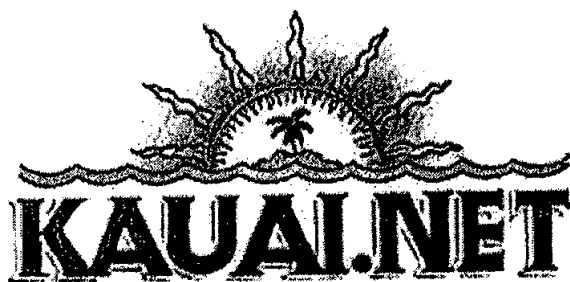
Edward Coll
Edward Coll

[REDACTED]

2003-09-03

FILE
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SEP 3 4 13 PM '03
CABLE DIVISION
COMMERCE AND
CONSUMER AFFAIRS

RECEIVED
BUSINESS INFORMATION
SEP 3 11 58 AM '03
DEPARTMENT OF
COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII



Kauai Net Listening Post

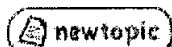
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Comment on DCCA draft PEG Plan

Moderator: [Comment on draft PEG plan](#)








Users browsing this forum: [founder](#)



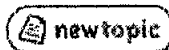
[Kauai Net Listening Post Forum Index](#) -> [Comment on DCCA draft PEG](#)

Mark all topics read

	Topics	Replies	Author	Views	Last Post
1	Announcement: Listen to DCCA Kauai Public Hearing on the Statewide Plan	1	founder	25	21 Aug 2003 02:01 am Guest →
1	Announcement: Introduction	0	founder	57	18 Jul 2003 05:56 pm founder →
1	Sticky: [Poll] Ignored Issue #2: Where's the Sunshine?	4	Comment on draft PEG plan	43	15 Aug 2003 09:33 am daitaleve →
1	Sticky: [Poll] Ignored Issue #1: Where is the State Audit?	4	Comment on draft PEG plan	40	15 Aug 2003 08:04 am daitaleve →
1	Sticky: The Reading Room	2	founder	53	14 Aug 2003 09:34 pm DV dude →
1	Sticky: DCCA Draft PEG Plan	0	founder	207	22 Jul 2003 05:10 pm founder →
1	ISSUE #16: Role of PEGs : Production versus Facilitation	13	Comment on draft PEG Plan	236	31 Aug 2003 09:17 m
1	ISSUE #15: Resolution of complaints concerning PEGs	9	Comment on draft PEG Plan	185	31 Aug 2003 09:14 m daitaleve →
1	ISSUE #14: Programming (CSPAN for Hawaii)	5	Comment on draft PEG Plan	170	31 Aug 2003 09:09 am daitaleve →
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1	ISSUE #12: Development of technical standards	3	Comment on draft PEG plan	114	31 Aug 2003 08:59 am daitaleve →
1	ISSUE #11: Daily operational procedures - Responsibility ...	2	Comment on draft PEG plan	113	31 Aug 2003 08:57 am daitaleve →
1	ISSUE #10: Chapter 92F / Uniform Information Practices Act	6	Comment on draft PEG plan	146	31 Aug 2003 08:54 am daitaleve →
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1	ISSUE #8-Cooperation & Collaboration Among PEG Organ..	2	Comment on draft PEG Plan	106	31 Aug 2003 08:44 am daitaleve →
1	ISSUE #7: Greater Community Participation	7	Comment on draft PEG plan	163	31 Aug 2003 08:36 am daitaleve →

 ISSUE #6: Sustainability	7	Comment on draft PEG plan	168	31 Aug 2003 08:33 am digitaleye →
 ISSUE #5: PEG Channel Resource	3	Comment on draft PEG plan	154	31 Aug 2003 08:31 am digitaleye →
 ISSUE #4: Financial Resources	4	Comment on draft PEG plan	148	31 Aug 2003 08:30 am digitaleye →
 ISSUE #3: Cable Advisory Committee	10	Comment on draft PEG plan	180	31 Aug 2003 08:27 am digitaleye →
 ISSUE #2: Governance - PEG Board Appointment Process	9	Comment on draft PEG plan	195	31 Aug 2003 08:25 am digitaleye →
 ISSUE #1: Expanded Role for Counties in Cable Regulation	9	Comment on draft PEG plan	280	31 Aug 2003 08:19 am digitaleye →
 General Comments on Overall Plan	2	Comment on draft PEG plan	19	22 Aug 2003 04:32 pm Wendv Arbeit →

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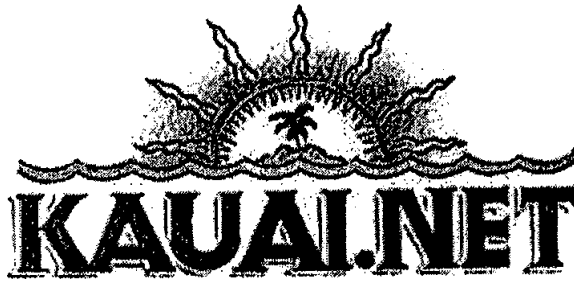
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Author

Message

Comment on draft PEG plan
Regular



Joined: 18 Jul 2003
Posts: 19

Posted: 17 Aug 2003 04:05 pm Post subject: General Comments on Overall Plan

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General Comments on Overall Plan

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Wendy Arbeit
iProlific



Joined: 17 Aug 2003
iPosts: 22

Posted: 22 Aug 2003 04:26 pm Post subject: INTRODUCTION [quote](#) [edit](#) [IP](#)

Quote:

"possible alternatives For change which have been suggested by various parties"

Glaringly omitted are those alternatives suggested by the public directly to DCCA.

The draft is clearly not the neutral document it purports to be. It inappropriately bathes the Access organizations in a positive light, implying that perhaps a bit of tinkering around the edges is all that is called for. Director Rectenwald and CATV Administrator Sonobe have been made well aware of the many fundamental dysfunctions of some of the access organizations. We have pleaded for a Marion Higa management and fiscal audit so that the truth or absence thereof of our claims and access counter-claims can come fully to light. That this "option" was not included in the Draft calls into question the true intent of the document.

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Nendy Arbeit

Prolific



Joined: 17 Aug 2003
Posts: 22

Posted: 22 Aug 2003 04:32 pm Post subject: BACKGROUND

[quote](#) [edit](#) [ip](#)

Quote:

"On Oahu, 'Olelo has entered into a contract with the Hawaii Educational Network Consortium (HENC ") to be its Education Program Manager ... 'Olelo allocates twenty-five percent (25%) of its revenues from franchise fees to HENC to fund educational programs and services that are primarily cablecast on two of 'Olelo channels."

This implies that all educational programming is included in the 25% that goes to HENC. On Oahu Olelo has set up and supports (through equipment, staff, training, and air time) "satellite" stations that are primarily used by public schools. These are not included under the HENC agreement and are not separated out of Olelo's budget from services to the public sector, thus muddying how much the education sector is really receiving (and how much the general public sector is NOT receiving).

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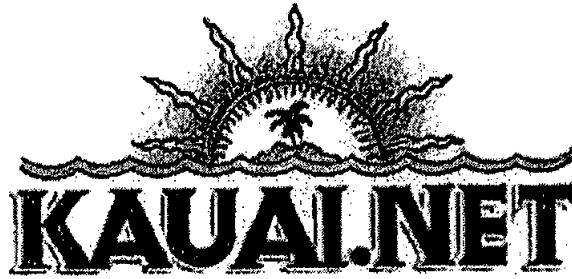
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Ignored Issue #1: Where is the State Audit?

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Should PEG access organizations undergo a state audit?

Yes ☒ 100% [5]
 No ☐ 0% [0]

Total Votes : 5

Author

Message

Comment on draft PEG plan
regular



Joined: 18 Jul 2003
 Posts: 19

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Rob Reef
Regular



Joined: 08 Sep 2002
 Posts: 10
 Location: Honolulu, HI

Posted: 10 Aug 2003 01:03 pm Post subject: Ignored Issue #1: Where is the State Audit?

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Many media activists that met with DCCA Director Mark Recktenwald stressed the need for an immediate performance and financial audits of Ho'iike and 'Olelo (the PEG access organizations on Kauai and Oahu) where questions have been raised about misappropriation of funds and poor services to public users. Recently the State Attorney General has informally opined that PEG access organizations fall under the jurisdiction of the State Auditor.

Should PEG access organizations be subject to an immediate performance and financial audit?

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Posted: 10 Aug 2003 01:10 pm Post subject: Show me the money!

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I don't see any "value added service". With the budgets these people have and their poor job of turning viewers into speakers it would be prudent to follow the money.

Rob Reef

[back to top](#)Carol Bain
HyperActiveJoined: 05 Jul 2002
Posts: 57
[profile](#)
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[email](#)

D Posted: 11 Aug 2003 12:46 pm Post subject: Accountability

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The only way to ensure accountability with these PEG access corporations is to have a state audit. Immediately.

 Carol Bain

"Freedom of the press is the staff of life for any vital democracy." quote by Wendell Willkie

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D Posted: 14 Aug 2003 09:29 pm Post subject:

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Please SHOW ME THE MONEY!

Ho'ike is way overdue an audit. To many private pupu parties.

DCCA is way overdue some outside oversight on cable.

I can't believe someone working at DCCA which is overseeing the new cable franchise agreement, has a wife working at AOL! Only in Hawaii would they have to ask, is this a conflict of interest?[/i]

[Back to top](#)igltaleye
ProlificJoined: 19 Jul 2003
Posts: 28

D Posted: 15 Aug 2003 08:04 am Post subject:

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PEGs may be considered "establishments by the State government" that "are supported in whole or in part by, or which handle state or public funds" under HRS § 23-1. Accordingly, it is our opinion that the PEGs fall within the term "departments, offices, and agencies" of the State for purposes of HRS § 23-4, and the Legislative Auditor has jurisdiction to conduct postaudits of the transactions, accounts, programs, and performance of the PEGs.

Quote:

There is no question that the Legislative Auditor can audit all PEG organization in Hawai'i according to a recent Hawai'i State Attorney General opinion.
<http://hpam.hi.net/law/AGopinionPEGaudit.html>

The auditor is given the power to audit agencies once every 2 to 5 years. Hawai'i PEG Access corporations have been in existence for over ten years now without any semblance of a performance audit, even though the DCCA Director has the power to do so. Over 50 million dollars has been paid by the public to support PEG organizations in Hawai'i with no documentation available to the public that these organizations are actually performing in the public's best interest yet a bone

fulfill their mission.

Many members of the public have requested the DCCA Director and the Legislature to facilitate an audit since 1997 to no avail. With some PEG Access organization! on the mainland providing access to not only television but radio, computer technologies, internet and media literacy training with as little as **25%** of the funds our largest access center receives, it is time we looked into why our local PEGs are having difficulty providing 1/4 of what others are providing with 4 times the funds.

see: <http://www.gsnc.org> & <http://www.fcac.org/>

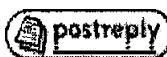
There will most likely be another bill this year in the legislature for an audit of PEGs in Hawai'i as has been the case for many of the past 6 years. Contact your legislators and request they support this legislation. Contact DCCA and let them know you want an audit. Reply to this post and express your desire to see that your money is being spent properly!!! Vote "yes" for an audit!!!

jg 

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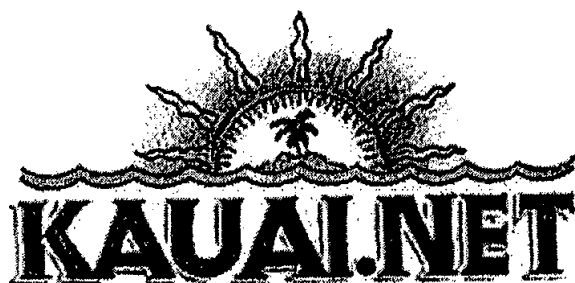
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Should PEG access organizations be covered by Sate Sunshine Law?

Yes 100% [5]
 No 0 0% [0]

Total Votes : 5

Author

Message

Comment on draft PEG plan

Regular



Joined: 18 Jul 2003
 Posts: 19

Posted: 10 Aug 2003 12:50 pm
 Post subject: Ignored Issue #2: Where's the Sunshine?

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Many media activists spoke to DCCA Director Mark Recktenwald and told him that since PEG access organizations recieved state mandated public monies they **should** be covered by State Sunshine Law (HRS 92), and yet **no** where in the DCCA's draft plan is it proposed that PEG access organizations be covered by this law ☹

Should **PEG** access organizations be contractually bound to follow state Sunshine law ☹

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Ed Coll

Hyper Active



Joined: 04 Jul 2002
 posts: 208
 Location: Here Now

Posted: 10 Aug 2003 01:20 pm
 Post subject: Running for the shadows

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The short answer is **Yes** ☺

This has been an issue since **PEG'S** were created by DCCA over 10 years ago. Check out the original bylaws which contained the language of State Sunshine Law

☹ . Sadly multiple bylaw revisions have **cleansed** all mention of Sunshine from PEG Bylaws ☹

[Back to top](#)CarolBain
yper ActiveJoined: 05 Jul 2002
Posts: 57

Ed Coll - Asking questions is a human right!

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 Posted: 11 Aug 2003 03:22 pm Post subject: do these boards know what HRS-92 is?
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I have been to many PEG access board meetings and have actually hand-delivered copies of HRS-92 Sunshine Laws and HRS-92F UIPA (open records laws) to the Hoike board. Nevertheless, when discussing these issues, I find most non-profit board members are often confused about what these laws are about.

The material is not that difficult. Basically, the idea is that the more open you are to the public, the more the public understands and trusts your organization. HRS-92 provides basic guidelines that any non-profit or government created board can follow.

In April, 2003, I organized a workshop on this topic, with Sen. Les Ihara Jr. as speaker, and invited the Hoike board (with 2 months notice). Not one board member or staff person from Hoike attended. This board is now making most decisions in closed committee meetings, and still does not follow many aspects of open records law today, even with the Sept. 2002 OIP opinion.

Carol Baln

"Freedom of the press is the staff of life for any vital democracy." quote by Wendell Willkie

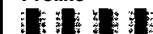
[Back to top](#)DVdude
Guest
 Posted: 14 Aug 2003 09:14 pm Post subject: What is the "P" in "PEG"?
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Gee, I can't imagine where the public should be more involved, able to watch, or participate in, than in a public access boardroom.

In Ho'ike's case, removing sunshine, by violating their own bylaws should be reason enough to remove the Ho'ike board.

The fact that DCCA should even need this discussion about "if" we even need sunshine makes me think the DCCA doesn't get it. I'm glad DCCA is talking about handing the oversight of PEG to someone else, (county).

I have an idea! How about giving back the oversight to the public. [/b]

[Back to top](#)digitaleye
Prolific
 Posted: 15 Aug 2003 09:33 am Post subject: Ignored Issue #2: Where's the Sunshine?
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In May of 1989 DCCA Director, Robbie Alm, set up a "CABLE ACCESS PLANNING COMMITTEE" (CAPC) to create Hawaii's first access corporation. The CAPC creates a "Bylaws Subcommittee" to create the bylaws of the new access corporation as mandated by the DCCA Director. It would appear that the DCCA Director

Joined: 19 Jul 2003
Posts: 28

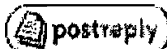
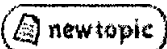
including "sunshine" provisions in the original bylaws. see:
<http://hpam.hi.net/dcca/CAPC/>

jg
[/b]

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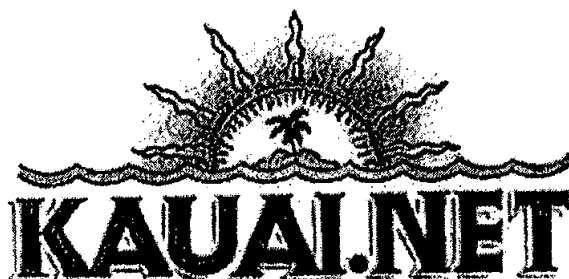
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ISSUE #1: Expanded Role for Counties in Cable Regulation

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Author

Message

Comment on draft PEG plan

Regular

■■■■



Joined: 18 Jul 2003
Posts: 19

Posted: 18 Jul 2003 05:35 pm Post subject: ISSUE #1:
Expanded Role for Counties in Cable Regulation

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ISSUE #1: Expanded Role for Counties in Cable Regulation

(Click here to review ISSUE #1)

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Ed Coll

Hyper Active

■■■■■

Posted: 18 Jul 2003 06:59 pm Post subject: Re: Is allocation
in Addition'

[quote](#) [edit](#) [ip](#)

DCCA wrote:

'Olelo allocates twenty-five percent (25%) of its revenues from franchise fees to HENC to fund educational programs and services that are primarily cablecast on two



Joined: 04 Jul 2002
Posts: 208
Location: Here Now

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Guest

of 'Olelo
channels.

Is this 25% allocation in addition to other allocations and services provided to public and private upper and lower educational users?

Ed Coll - Asking questions is a human right!

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Posted: 21 Jul 2003 06:49 pm Post subject: ISSUE #1:
Expanded Role for Counties in Cable Regulation

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To answer your question about the 25%, I first must correct the author of the draft, the conflicted cable regulator Clyde Sonobe, by stating that 'Olelo does not allocate the 25% because it is mandated in Decision and Order (D&O) 261 !! And yes, this is in addition to other allocations and services provided to public and private upper and lower educational users. Hawai'i Association of Independant Schools gets funds from the 25% to do a show and the producer of the shows uses 'Olelo's Facilities. Also on top of the 25% 'Olelo provides playback supervision and relay of the educational channels as well as having 2 satellite centers at Kahuku & Waianae High Schools that are used for course curriculums during school hours. 'Olelo also supposedly provides old equipment "as grants" to the schools. None of these extras are counted as part of the E budget of P, E & G and has long been a point of contention, and in spite of that has yet to be properly addressed.

Now on to my comments on to the topic of "Expanded Role for Counties in Cable Regulation". I will simply say that I beleive all counties should have a say in the regulation of the cable company doing business and collecting fees on their island(s). I don't feel it is fair for a bureucrat in an office on Oahu to make all the decisions for communities many miles across the ocean, especially when more than 20% of the funds from neighbor islands now come back to be spent on Oahu. Perhaps the state can deal with the monopoly company for collection purposes, but the counties should be in charge of fund distribution.

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Carol Bain
Hyper Active



Joined: 05 Jul 2002
Posts: 57

Posted: 21 Jul 2003 08:01 pm Post subject: County role in
PEG

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It seems clear the state is not comfortable in the role of regulating PEG...at least for neighbor islands. The DCCA Director rarely knows who s/he is appointing.

The state created the mess by insisting on controlling the \$ and boards. Now they want the Counties to take the unwanted, undisciplined child.

I would like to see what the Counties think of the idea. The Counties should certainly not take over until a full state audit is performed.

I just want accountability and oversight...the current PEG board on Kauai is an

elite group, with a closed nomination process and now only meets quarterly. They do not follow HRS-92F UIPA or seem to understand the law. The board actions do not support "sunshine" HRS92. The public, no matter how meek or quiet, is made to feel unwelcome. ☹


If County regulation would support accountability and openness, with an entire new board or commission chosen in open nominations and public process, then I am for it.

Carol Bain

"Freedom of the press is the staff of life for any vital democracy." quote by Wendell Willkie

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 Posted: 15 Aug 2003 10:27 am Post subject: Let the State Library system run PEG Access

 [edit](#)  

Hi Coll
Hyper Active



Joined: 04 Jul 2002
Posts: 208
Location: Here Now

Aloha Mark,

Mahalo for the well run meeting on Kauai. It certainly was a refreshing change from how previous meetings were run. I have cc'd this email to some media outlets and State legislators as well as posted it on the Kauai Net Comment on DCCA draft PEG Plan forums at:

<http://kauai.net/phpBB2/viewforum.php?f=63&sid=4a95272cf0165fd0824a5eb6d5845685>

...but I wanted to specifically bring this idea to your attention as it may be an simple yet elegant solution which solves at pleathora of problems currently plaguing PEG access organizations and the public they serve.

Let the State Library system run PEG Access ☹☹☹

This solution has not been considered in the current draft plan. I believe it deserves serious consideration.

Here are some points favoring this plan;

- ☹ State Libraries while a government agency have a long history of defending and promoting free speech dating back to the founding of our country.
- ☹ Libraries already promote literacy and teach information retrieval.

☉ Funding and expanding their mission to promote media literacy and teach production techniques is a logical extension of their mission.

☉ Check in and check out procedures are well established? A "certified" logo on the library card could indicate permission to check out equipment.

☉ Libraries are already integrated into the communities.

☉ PEG revenues could be distributed more equitably throughout the state with funding specifically earmarked for PEG uses including technical and training staff

☉ Librarians are content to do their jobs to complete their mission. They check out books but do not Insist upon writing their own. Thus the unhealthy tendency (apparent in the current PEG Access organizations) to become a for profit production company is diminished.

☉ Libraries do not try to subvert their mission of promoting literacy, checking out books, and information retrievals training by engaging in, "program production, or community building" as has been seen in the presumptuous access organization boards and their state funded employees.

as was requested from the access organizations.

☉ Libraries serve undifferentiated members of the public (people) and not corporations (neither "non-profit" nor for-profit). This avoids the well documented favoritism to special interests by PEGs.

☉As State agencies libraries are already subject to state audits, Sunshine and Open Records Laws. ☺☺☺

Libraries performing this type of service is not novel nor new. I saw this type of system work effectively in the 1970's at Evergreen State University in Olympia Washington. The University library would training students, allowed them check out port-a-pack video recorders, and provide editing equipment to produce programs.

I would appreciate your opinion regarding this suggestion.

Ed Coil

Ed Coil - Asking questions is a human right!

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Rob Reef
Regular



Joined: 08 Sep 2002
Posts: 10
Location: Honolulu, HI

Posted: 15 Aug 2003 10:44 am Post subject: Excellent Idea [quote](#) [edit](#) [IP](#)

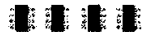
Conan the Librarian!: Ben Franklin would be proud ☺

Rob Reef

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Wendy Arbeit
Prolific



Joined: 17 Aug 2003
Posts: 22

Posted: 17 Aug 2003 12:30 pm Post subject: DCCA's not doing its job as regulator of cable complaints [quote](#) [edit](#) [IP](#)

"Currently, the State of Hawaii through the DCCA performs the regulatory functions pertaining to the cable television industry in Hawaii. Major activities include ... resolution of customer service complaints"

My understanding is that DCCA has not been adequately monitoring these complaints. For one thing it just turns them over to Oceanic, then hopes for the best (maybe). For another Oceanic has reported that it has received hundreds in the same period that DCCA CATV has acknowledged only a few. Since CATV makes no attempt to merge these complaints it remains intentionally ignorant of the complete scope of customer service complaints and their resolution.

The same can be said of complaints about access organizations.

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Wendy Arbeit
Prolific



Posted: 17 Aug 2003 12:35 pm Post subject: CAC [quote](#) [edit](#) [IP](#)

"Cable Advisory Committee (CAC) : The Counties could have a greater role in cable governance at the State level through representation on the DCCA's cable

Joined: 17 Aug 2003
Posts: 22

advisory committee."

This is a good idea, however, despite being mandated by law, the "DCCA's cable advisory committee" does not currently exist (except on paper) as the governor (neither this one nor the last) has not chosen any members.


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Ed Coll
Hyper Active



Joined: 04 Jul 2002
Posts: 208
Location: Here Now

 Posted: 25 Aug 2003 10:43 am Post subject: The County of Kauai shows no interest at all

 [quote](#)  [edit](#) 

Sadly not one county official was present at the Kauai Public Hearing by DCCA or offered any opinion on the County of Kauai's role in PEG. While Local control seems like a good idea if there is no interest at all isn't the issue moot. Perhaps the fact that this is an issue at all reflects DCCA's desire to pass the hot potato of oversight to the Counties while they still control the funding ☹

Ed Coll - Asking questions is a human right!


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digitaleye
Prolific



Joined: 19 Jul 2003
Posts: 28

 Posted: 31 Aug 2003 08:19 am Post subject: ISSUE #1: Expanded Role for Counties in Cable Regulation

 [quote](#)  [edit](#) 

Option 1: Continue with current framework Absolutely out of the question !

Option 2: Expand the Counties' Role

I feel the counties' roles should be expanded to allow them to make decisions on how their local infrastructure is to be setup. They should also have a say in the distribution of franchise funds. Now that Oceanic Time Warner Cable has a monopoly in the state, the state should make sure that all mandated fees are paid and verify provisions for the institutional networks are provided by the cable company at no cost to subscribers, counties, and/or the state.

I don't feel it is fair for a bureaucrat in an office on Oahu to make all the decisions for communities many miles across the ocean, especially when more than 20% of the funds from neighbor islands now come back to be spent on Oahu.

Perhaps the state can deal with the monopoly company for collection purposes and the cable franchise authority on each neighbor island can deal with the cable company regarding complaints. DCCA has reported as little as 3 complaints on average per year in the past. If that is all the complaints that have actually been filed with the Cable Television division, then it begs the question what have they been doing with their budget of over \$800,000.00 per year.


Perhaps with a franchise authority on each island, with a published toll free number, more complaints would be received and followed up on. This would obviously provide more accountability to the local community.


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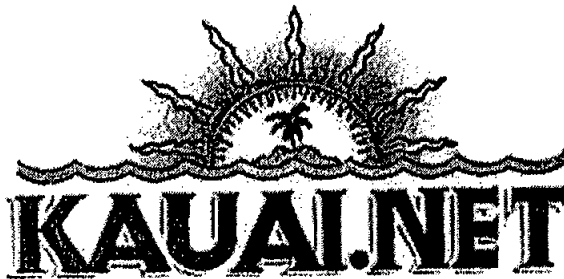


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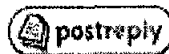


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ISSUE #2: Governance - PEG Board Appointment Process



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Author

Message

Comment on draft PEG plan
Regular



Joined: 18 Jul 2003
Posts: 19

Posted: 18 Jul 2003 05:33 pm Post subject: ISSUE #2: Governance - PEG Board Appointment Process

[quote](#) [edit](#) [IP](#)

ISSUE #2 : Governance - PEG Board Appointment Process (Click here to review - ISSUE #2)

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Ed Coll
Hyper Active

Posted: 18 Jul 2003 06:33 pm Post subject: Appoint our board for us please!

[edit](#) [IP](#)

Upon what basis does DCCA make the assertion that the differing number of board members reflect the unique wishes of each board rather than DCCA which appointed the majority of the board members? It seems odd that all four access organization boards that claim to be private 501-c (3) non-profit corporations that



Joined: 04 Jul 2002
Posts: 208
Location: Here Now

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digitaleye

Prolific



Joined: 19 Jul 2003
Posts: 28

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Carol Bain
Hyper Active



Joined: 05 Jul 2002
Posts: 57

are exempt from state Sunshine Law, would insist that the DCCA (a government agency) appoint the majority of the access organizations board rather than prefer to appoint their own successors, or have their membership elect the board. Have any of the access organizations requested or suggested an arrangement different from the DCCA board appointment process currently in place? Are these public documents? May I examine these documents?

Ed Coll - Asking questions is a human right!

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Posted: 21 Jul 2003 08:14 pm Post subject: any different PEG Board Appointment Process? [quote](#) [edit](#) [ip](#)

Ed,

You asked "Have any of the access organizations requested or suggested an arrangement different from the DCCA board appointment process currently in place?" The answer is YES. In 2001 Akaku changed their bylaws to remove the appointment power from the DCCA.

I'd say you could say it's public record: <http://hpam.hi.net/akaku/>

jg

[profile](#) [pm](#) [email](#)

Posted: 12 Aug 2003 09:55 am Post subject: PEG governance [quote](#) [edit](#) [ip](#)

For the most part, PEG board nominations have been selected in a closed process by the sitting board and submitted in a perfunctory manner to the DCCA director for her or his "official" selection. Most of the time the director has no knowledge of who the nominees are, especially for neighbor island appointees. This can't be called a democratic or open governance process.

If you want democratic process, Option 4, using an open nomination and election, is the best way to go. If PEG's took the right attitude, they could see the election process is really an effective outreach method as well. PEG's should attract competent people willing to work hard to support the use of cable TV for first amendment purposes. These boards need to understand service to the public, not service to the corporation. Lately, when listening to PEG board discussions, much of the talk revolves around ways to enhance the private non-profit's growth, not service the public.

Elections can be held affordably and simply. In each county now, as Maui has recently formed a chapter, the League of Women Voters can assist any PEG access organization for nominal fees. Look up your local chapter and invite a League election specialist to your next PEG access board meeting.

Carol Bain

"Freedom of the press is the staff of life for any vital democracy." quote by Wendell Willkie

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Dude
Guest

Posted: 14 Aug 2003 09:54 pm **Post subject:**

[quote](#) [edit](#) [x](#) [ip](#)

This is just silly!

The rate payers pay for it all, (the funding for PEG's and DCCA's oversight) and now we have to plead, beg, or perhaps sue over the right to participate.

Taxation without representation,
TIME FOR A TEA PARTY!

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Vendy Arbeit
rolific

[profile](#) [pm](#) [email](#)

Posted: 17 Aug 2003 12:56 pm **Post subject:** complaint resolution

[edit](#) [x](#) [ip](#)

Dined: 17 Aug 2003
posts: 22

"Each PEG board is responsible for all financial and operational management matters, including the resolution of complaints from its producers and stakeholders."

When those DCCA-appointed directors do not resolve complaints (especially those that have remained and been repeated for years and that have to do with financial mismanagement), the ultimate responsibility must be placed at DCCA's doors. Why is there no mention of what DCCA will do with regard to what will be done if there is no resolution or if infractions continue? Since Olelo's bylaws forbid granting access to its financial and operational matters, even to the DCCA, if they reflect negatively on Olelo, how is anyone to accurately gauge the board's competence without a truly neutral-audit (a solution option absent in this document despite repeated requests for one to the director and the legislature.

In the last several years Olelo has pointed to ASAC as representing producers and as a source to which volunteers may approach for resolution to their complaint! However, ASAC has finally made clear their real intent with their recent clarification of their mission:

"To Preserve, Promote, and perpetuate Olelo."

Why are contracts "automatically renewed" without a review of the nature and ultimate resolution of those complaints?

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Nendy Arbeit
Prolific

[profile](#) [pm](#) [email](#)

Posted: 17 Aug 2003 12:59 pm **Post subject:** board recommendation

[quote](#) [edit](#) [x](#) [ip](#)

Joined: 17 Aug 2003
Posts: 22

"The DCCA and the cable operator have the discretion to accept or reject the recommendation." (of board nominees)

Up to this point DCCA has rubber-stamped all nominees. In fact it even appears that DCCA participated behind the scenes creating this list. DCCA has made no attempt to assure that the slates represent a true cross-section as required by (Olelo's at least) bylaws. How will DCCA rectify this process in the future?

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Wendy Arbeit
Prolific



Joined: 17 Aug 2003
Posts: 22

☐ Posted: 17 Aug 2003 01:05 pm Post subject: oversight
whimpering

[quote](#) [edit](#) [x](#) [IP](#)

"A recent opinion by the Office of Information Practices ("OIP") stated that the DCCA's board appointment authority was a factor in OIP's opinion that PEGs were an agency for Uniform Information Practices Act ("UIPA") purposes. Some observers believe that this opinion has jeopardized the private, non-profit status of PEG access organizations and have argued vigorously for the board appointment process to be amended by removing the DCCA's appointment authority."

I'm guessing that the "observers" are the PEGs themselves. The OIP has made it clear that these PEGs are not truly "private" and should be accountable to the public. They want the public's money, but become defensive when the public demands to know how it is spending its money. If they are doing the right thing, why would they object to oversight? Taking DCCA completely out of the process only makes sense if it's replaced by a membership with election powers. For the current boards to be self-perpetuating only invites more of the increasingly questionable actions we have seen for the last decade.

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Nendy Arbeit
Prolific



Joined: 17 Aug 2003
Posts: 22

☐ Posted: 17 Aug 2003 01:07 pm Post subject: DCCA Oversight

[quote](#) [edit](#) [x](#) [IP](#)

"The DCCA has historically believed that it needs to exercise oversight of the expenditure of these funds."

Unfortunately, historically DCCA CATV has not exercised this oversight. The public has for years called for an independent audit of Olelo's management and finances. DCCA has ignored these requests.

"Proponents of change argue that the DCCA retains adequate oversight through the annual reporting and contract renewal process."

Unfortunately DCCA CATV has not exercised this oversight adequately either, as repeated requests for reporting documents required in the DCCA/Olelo agreement reveal that they are not tracked and arrive months late.

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digitaleye
Prolific



☐ Posted: 31 Aug 2003 08:25 am Post subject: ISSUE #2:
Governance - PEG Board Appointment Process

[quote](#) [edit](#) [x](#) [IP](#)

ISSUE #2: Governance - PEG Board Appointment Process



oined: 19 Jul 2003
Posts: 28

Option 1: Continue with current appointments by the DCCA and cable operator

This is not even an option I would consider.

Option 2: Self appointment by the PEG Boards

Absolutely out of the question ! This would only serve to allow the nepotism to continue unchecked.

Option 3: Appointments by Various Entities

public meeting. Election of directors by the active "members" could be approve in an open meeting held by the franchise authority, the legislature or the city/county council.

Option 4: Election by PEG constituents

To accomplish this the corporations must first be changed from "Non membership" to membership corporations.

Membership being all franchise area residents who wish to be contributing

them as well.

Option 5: Establishment of a Mechanism for Public and Producer Input

This has already been tried numerous times and has failed miserably due to board and administration controls and lack of follow through by those in control. It appears they were set up to give the appearance clients had an avenue to address concerns to the board and staff, but were actually intended to fail.

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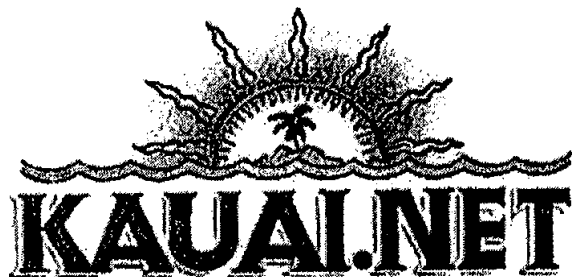
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ISSUE #3: Cable Advisory Committee

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Comment on draft PEG
plan
Regular



Joined: 18 Jul 2003
 Posts: 19

Posted: 18 Jul 2003 05:19 pm Post subject: ISSUE #3: Cable
 Advisory Committee

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ISSUE #3: Cable Advisory Committee (Click here to review -
 ISSUE #3)

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Ed Coll
Hyper Active

Posted: 18 Jul 2003 06:35 pm Post subject: More info on
 appointment process please?

[quote](#)
[edit](#)
[IP](#)

Are applications received public record

May I examine them

Are board recommendations to DCCA public record

May I examine them



Joined: 04 Jul 2002
Posts: 208
Location: Here Now

How many times has DCCA or the cable operator exercised the discretion to reject the board recommendations for appointment?
Are these rejections public record?
May I examine them?
May an individual member of the public directly request appointment from the director of the DCCA?
How many times has this occurred?
How many member of the public directly requesting appointment by the director of DCCA have been appointed?
Are these appointments public record?
May I examine them?
Are the requests for appointment rejections public record?
Has the cable operator or the Director of DCCA ever removed a director?
If so how many directors were removed and by whom?
When were they removed?
Were They removed with cause?
From which access organizations were these directors removed?
Are these removals, cause for removal, and related documents public record?
May I examine them?
Please cite the authority by which the Director of DCCA and the cable operator have the authority to remove directors once they are appointed.

Ed Coll - Asking questions is a human right!

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beenthere
Guest

Posted: 07 Aug 2003 01:51 pm Post subject: CAC appointments

[quote](#) [edit](#) [ip](#)

CAC is the only formal state oversight that is guaranteed to operate in full sunshine. There's part of the State law that provides that the any objections raised by CAC must be considered when DCCA amends cable franchise orders. This is a critical oversight that has been sorely missed since CAC was abandoned by the Cayetano administration!

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Carol Bain
Hyper Active



Joined: 05 Jul 2002
Posts: 57

Posted: 07 Aug 2003 03:39 pm Post subject: CAC - I volunteer

[quote](#) [edit](#) [ip](#)

The Cable Advisory Committee could have been very helpful to provide guidance to PEG access over the past ten years had it been active. The CAC has not completed its purpose because PEG access is in serious difficulty many times and guidance is needed now.

Let's all ask Governor Lingle to do the right thing and appoint an active group of people to the CAC who understand the importance of providing cable access to the public. Though Cayetano couldn't seem to do it, surely Governor Lingle can find a good group of people to serve on this important committee.
I volunteer.


Carol Bain

"Freedom of the press is the staff of life for any vital democracy." quote by Wendell Willkie

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Guest

 Posted: 08 Aug 2003 09:23 am Post subject: CAC - I volunteer

 [quote](#)  [edit](#)  [x](#)  [ip](#)

I volunteer as well.

In HRS 440g <http://hpam.hi.net/HRS/hrs440g.html> the DCCA Director has too much power. In the absence of the Cable Advisory Committee, the statute gives the director sole discretion to determine what is "in the public interest". It is evident that the Director has not given much consideration to "any objections arising from the public hearing".

Also, the ability of the director to insert his/her own proposals affecting "the public interest" without them having to be made available publicly before the order is signed is undemocratic to say the least.


§440G-8 Issuance of cable franchise authority; criteria; content. (a) The director is empowered to issue a cable franchise to construct or operate facilities for a cable system upon the terms and conditions provided in this chapter.

(b) The director, after a public hearing as provided in this chapter, shall issue a cable franchise to the applicant when the director is convinced that it is in the public interest to do so. In determining whether a cable franchise shall be issued, the director shall take into Consideration, among other things, the content of the application or proposal, the public need for the proposed service, the ability of the applicant to offer safe, adequate, and reliable service at a reasonable cost to the subscribers, the suitability of the applicant, the financial responsibility of the applicant, the technical and operational ability of the applicant to perform efficiently the service for which authority is requested, any objections arising from the public hearing, the cable advisory committee established by this chapter, or elsewhere, and any other matters as the director deems appropriate in the circumstances.

jg

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DV dude
Guest

 Posted: 14 Aug 2003 10:53 pm Post subject:


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



Yes PLEASSSEE!

DCCA need oversight from someone that understands what the "P" in PEG means.

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Guest

 Posted: 17 Aug 2003 01:16pm Post subject: CAC outlived or too lively?

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"It appears that the prior Administration believed that the CAC had been established to provide guidance during the formative years of cable regulation, and that it had outlived that role."

Interesting assumption. I would draw another conclusion, that members of the CAC would probably take positions at odds with the current administration, therefore it would be expedient not to have to deal with them.

"Option 1: Appoint members to the CAC"

This should be done. all counties should be represented. Airfare should be budgeted from CATV's 1/2% allotment.

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id Coll
HyperActive



Joined: 04 Jul 2002
Posts: 208
Location: Here Now

Posted: 17 Aug 2003 03:53 pm Post subject: / have
Questionsthat need answers

[quote](#) [edit](#) [IP](#)

DCCA wrote:

The Cable Advisory Committee ("CAC") is intended to advise the Director and cable operators, upon request, with cable television related matters-

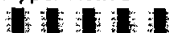
Since the CAC only advise the Director or cable operators "upon request" how many times has the Director or cable operators make such requests? Are these requests public record? May I examine them? **How** many times before 1990 did CAC meet? Are the minutes of these meetings public record? May I examine them? Why has this become an issue 12 years after the last meeting? What entities raised this as an issue.

Ed Coll - Asking questions is a human right!

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Ed Coll
Hyper Active



Joined: 04 Jul 2002
Posts: 208
Location: Here Now

Posted: 17 Aug 2003 03:55 pm Post subject: Why?

[quote](#) [edit](#) [IP](#)

DCCA wrote:

Option 1: Appoint members to the CAC

Under this option, the Governor would appoint five members to the CAC. Current law does not specify residency or other requirements for membership. However, the Governor could select representatives from each of the four counties.

Since the CAC has outlived it's role and has not met since 1990 why would the Governor take this action?unless the Governor or Director feel the CAC has not outlived it's role.

[back to top](#)**Ed Coll**
Hyper ActiveJoined: 04 Jul 2002
Posts: 208
Location: Here Now

Ed Coll - Asking questions is a human right!

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Posted: 17 Aug 2003 03:56 pm Post subject: In violation of Law?

[edit](#) [x](#) [ip](#)**DCCA wrote:**

Option 2: Introduce legislation to eliminate the CAC

Such legislation would be appropriate if the CAC has outlived its usefulness.

Why is the introduction of such legislation necessary unless the enabling language is absolutely clear that the Governor shall appoint and the previous and current administrations are in violation of the law by failing to appoint? ~~If~~ The law has been and is being violated should the attorney general be informed by the Director?

Ed Coll - Asking questions is a human right!

[profile](#) [pm](#) [email](#) [www](#)[back to top](#)**ligitaleye**
ProlificJoined: 19 Jul 2003
Posts: 28

Posted: 31 Aug 2003 08:27 am Post subject: ISSUE #3: Cable Advisory Committee

[quote](#) [edit](#) [x](#) [ip](#)

Option 1: Appoint members to the CAC

Absolutely, and **do** it post haste before the Governor is sued for violating state law:**HRS 440g-13** <http://hDam.hi.net/HRS/hrs440g.html#13>

Option 2: Introduce legislation to eliminate the CAC

Absolutely out of the question !

Option 3: Introduce legislation to amend composition of the CAC

Provide for at least one member from each individual island and at least 4 members from the P sector to represent each franchise area, and a representative from each E & G users groups.

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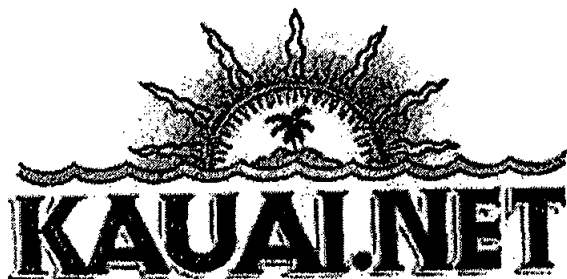
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ISSUE #4: Financial Resources

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Author

Message

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plan
Regular



Joined: 18 Jul 2003
Posts: 19

☐ Posted: 18 Jul 2003 05:18 pm Post subject: ISSUE #4:
Financial Resources

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ISSUE #4: Financial Resources (Click here to review - ISSUE # 4)

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digitalaye
Prolific



☐ Posted: 26 Jul 2003 07:14 am Post subject: ISSUE #4:
Financial Resources

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If you will please notice, under "ISSUE #4: Financial Resources" there is no mention of the "Capital Funds". They are only briefly mentioned in the "Background and Introduction" sections and then left out from then on. The funds they are discussing in "ISSUE #4: Financial Resources" are the Operating Funds. I

Joined: 19 Jul 2003
 Posts: 28

suggested to the DCCA director, in an email that was shared with all the PEG administrators in attendance of the planning meetings, that all "capital funds" as well as a percent of funds from KHET and any "unencumbered balances" from the Cable Television division funds could be pooled into a grant fund. This "grant fund" could be used for video productions with statewide interest as well as for equipment upgrades to provide consistent equipment statewide. 'Olelo does not want to contribute because they do not want Oahu funds to go off island. The reality is, that if all islands had the same equipment and provide the same training and certification, then you could fly to a neighbor island and reserve equipment, thus a benefit to Oahu residents as well as Neighbor Islanders.

Lurline doesn't want the funds that she uses to create in-house productions, using equipment not available to clients, for the eventual submission in national video award contests to supplement her resume. KHET doesn't want their funding to even be mentioned in this plan for fear of the truth being exposed of how they were acquired, and DCCA or the Legislature neither want to commit to using the fund! they collect for CATV division for their original intent which is the implementation of Hawaii Revised Statutes Chapter 440g, <http://hpam.hi.net/HRSIhrs440a.html> nor do they want to facilitate a guarantee that PEG Access will be provided for in perpetuity. Is that what you'd call "in the Public's best interest"?

jg 

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ligitaleye
 Prolific



Joined: 19 Jul 2003
 Posts: 28

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☐ Posted: 04 Aug 2003 08:02 am Post subject:

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Quote:

Option 2: Should franchise fees be redistributed among the Counties?

Currently, franchise fees for PEG access collected in a particular County remain there for the benefit of its residents.

The above statement is misleading in that it does not point out that the remaining franchise fees collected in each county for KHET's 1% and DCCA CATV's .64% do not remain in the counties and are actually spent on Oahu!

It should also be noted that the amount of funds received by DCCA CATV and KHET have been omitted. DCCA CATV's percent is collected from all islands and placed into a special fund which is controlled by the legislature. This year the legislature allocated just over 1 million dollars of those funds to CATV, last year they allocated 1.2 million of which only 800 thousand was used. That's 400 thousand that was not used by CATV, so why not use those "unencumbered balances" for baseline services?

In 2001 KHET received 1.6 million from franchise fees which were collected from all islands. Perhaps KHET should provide a percentage of their funds to be used

each county to help them acquire equal equipment, or at least provide each county with use of the additional bandwidth they will soon be in possession of facilitated an additional 2 million dollars of funds provided for by the legislature in 2000 & 2001?

A good statewide plan should include all franchise funds collected as potential sources of funds to be used in the public's best interests, and of course the "Public" should have a say in their use. This could be facilitated by the Cable Advisory Committee if it didn't only exist on paper.

jg

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Wendy Arbelt
Prolific



Joined: 17 Aug 2003
Posts: 22

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digitaleye
rolific



Dined: 19 Jul 2003
Posts: 28

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Posted: 17 Aug 2003 01:30 pm Post subject: baseline

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Option 2: Should franchise fees be redistributed among the Counties?

Yes. There should be a baseline. The baseline should have access to, but not be limited to, the fees in excess of the Oahu cap.

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Posted: 31 Aug 2003 08:30 am Post subject: ISSUE #4: Financial Resources

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Option 1: Continue with the current financial structure

Absolutely out of the question!

Option 2: Should franchise fees be redistributed among the Counties?

All island cable companies but Oahu should cease providing 1% of their gross revenues to KHET and give it to the PEG entity instead. The .64% that is now allocated for the Cable Television division could be raised to the full 1% that could be collected (an additional .36% of gross revenues can be collected bringing the total franchise fees to its allowable 5%), with the counties keeping 60% for the role in cable regulation and the remaining 40% to go to the Cable Television Division of the state for whatever it is they do.

"Capital Funds" that are distributed to all PEGs on an annual basis and a percent of KHET's 1% on Oahu should be pooled into a statewide Cable Advisory Committee controlled "equipment and production fund" for all entities to draw from with the intent to create consistent training and equipment statewide and to provide grants to producers of locally oriented productions of statewide interest and benefit to be allocated through a transparent process with the criteria clearly spelled out.

"Capital Funds" appear to be restricted funds for the express purpose of equipment maintenance and upgrades. In 'Oielo's case, they have received up to

1.9 million dollars a year and rather than using those funds for their intended purpose have instead been placing them in trust, providing minimal interest, until the 2 year restriction has passed and then using those funds for board initiative: decided on out from "sunshine". This practice should cease and exchanged for "time use of money" oriented initiatives.

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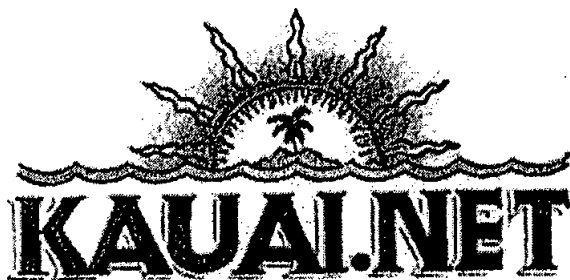
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Regular



Joined: 18 Jul 2003
Posts: 19

Posted: 18 Jul 2003 05:17 pm Post subject: ISSUE #5: PEG Channel Resource

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ISSUE #5: PEG Channel Resource (Click here to review - ISSUE #5)

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Ed Coll
Hyper Active



Posted: 18 Jul 2003 06:57 pm Post subject: Re: What is the rational?

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DCCA wrote:

As stated previously, franchise fee assessments are consistent statewide, except for an agreed upon limitation that is in place for `Olelo on Oahu. `Olelo is subject to